

# Notice of Allowability

Application No.

10/808,772

Examiner

Thomas K. Pham

Applicant(s)

MATURANA ET AL.

Art Unit

2121

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 7/17/2007.
2. ☒ The allowed claim(s) is/are 2-5, 8-24 and 26-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

***Reasons for Allowance***

1. Claims 2-5, 8-24 and 26-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention, in conjunction with all the other claimed limitations, a controller configured to operate as at least one agent having all the claimed features of applicant's instant invention, specifically including: each of first and second agent-related programs includes a first portion that provides for generalized agent functionality and a second portion that is specifically configured for operation in relation to at least one of a characteristic of the process, a characteristic of the first and second control programs, respectively, and a characteristic of the first and second controllable devices, respectively; wherein the second program portion includes an execution controller that governs at least a portion of the standard agent-type functionality including translating plans of the planner into commands that can be provided to the first program portion; wherein the second program portion includes a planner that governs at least a portion of the standard agent-type functionality including creating and interpreting bid request messages and bid messages; wherein the second program portion is in communication with base firmware, wherein the bid request messages and bid messages that are created by the planner are provided to the base firmware, which is capable of formatting at least some of the bid request messages and bid messages for transmission onto a network according to a network protocol selected from the group consisting of Ethernet, ControlNet and DeviceNet; wherein a third program portion includes each of the application-specific agent scripts portion, the diagnostics portion and the equipment model portion, wherein the diagnostics portion is in communication

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with the first program portion, wherein each of the application-specific agent scripts portion, the diagnostics portion and the equipment model portion is in communication with a planner portion of the second program portion, and wherein the application-specific agent scripts portion is further in communication with an execution controller portion of the second program portion, etc., as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

**Thomas Pham**

*Primary Examiner*

A handwritten signature in black ink, appearing to read 'Thy Pham', with a long horizontal flourish extending to the right.

July 19, 2007